REMARKS

Applicant received and reviewed the Office Action dated May 30, 2006 wherein the Office objected to claim 19, rejected claims 1-20 under 35 U.S.C. 112, second paragraph and rejected claim 2 under 35 U.S.C. 112, first paragraph.

The Office also rejected claims 1, 4-6, 15-18 and 20 under 35 U.S.C. 102(b) as being anticipated by JP 09-167610 (JP '610) and rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over JP '610.

Finally, the Office stated that claims 2, 7-12 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

In response thereto, claims 1 and 2 have been combined to place independent claim 1 and dependent claims 3 and 4 into allowable condition. Also, claims 5 and 7 have been combined to place independent claim 5 and dependent claims 6 and 8-14 into allowable condition. Finally, claims 15 and 19 have been combined as amended claim 15 to place independent claim 15 and its dependent claims 16-18 and 20 into allowable condition. Claims 2, 7 and 19 have been canceled.

Objections

The Office objected to claim 19 because of a typographical error. This objection is now moot because the Applicant combined independent claim 15 and dependent claim 19. Subsequently dependent claim 19 was canceled.

Rejection under 35 U.S.C. §112

The Office rejected claims 1-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Office states on page 3, lines 9-11:

> "The terms "enhance the torque resistance", "enhanced torque resistance", "enhance a torque resistance" in claims 1-20 is a relative term which render the claims indefinite."

The Applicant disagrees. The application points out the enhanced torque resistance of the battery part. As suggested by the Office, however, the Applicant deleted all terms of the enhancement of torque resistance. Specifically, such terms were deleted from independent claims 1, 5 and 15 and dependent claim 8. It is submitted that the 35 U.S.C. §112 rejection has been overcome by the aforementioned amendment.

Additionally, the Office rejected claim 2, under 35 U.S.C. 112, first paragraph because the specification does not reasonably provide enable for the tin layer being provided on the steel layer and the nickel layer provided on the tin layer. In response, the Applicant combined independent claim 1 and dependent claim 2 and clarified the placement of the sublayers in relation to one another and in relation to the steel component. Amended claim 1 now reads:

"~~An enhanced~~ A torque resistant battery part comprising;
a lead member;
a stainless steel bolt having a male thread on one end;
a layer of a lead adhereable material secured to at least a portion of the bolt with the layer of the lead adhereable material engaging the lead member to thereby ~~enhance~~ provide the torque resistance ~~of~~ to the stainless steel bolt wherein said layer of lead adhearable material comprising a sublayer of nickel placed on the stainless steel bolt and a sublayer of tin placed over the sublayer of nickel."

It is submitted that amended claim 1, which is a combination of claims 1 and 2, has overcome the 35 U.S.C. §112 rejection.

Rejection under 35 U.S.C. §102(b)

The Office rejected claims 1, 4-6, 15-18 and 20 under 35 U.S.C. §102(b) as being anticipated by JP 09-167610 (JP '610). Specifically, with regard to independent claim 1, the Office states on page 4, lines 3-5 of the Office Action:

"JP '610 discloses a battery part comprising: a lead member, a stainless steel bolt 3 having a male thread on one end, a layer of nickel formed on the bolt (abstract and Fig. 1 as applied to claim 1)."

The Applicant amended claim 1 by combining claims 1 and 2. That is, the Applicant specifically calls out the sublayer of nickel placed on the stainless steel bolt and a sublayer of tin placed over the nickel. (Emphasis added.) Amended claim 1 now reads:

"A torque resistant battery part comprising;
a lead member;
a stainless steel bolt having a male thread on one end;
a layer of a lead adhereable material secured to at least a portion of the bolt with the layer of the lead adhereable material engaging the lead member to thereby ~~enhance~~ provide the torque resistance ~~of~~ to the stainless steel bolt wherein the said layer of lead adheareable material comprises a sublayer of nickel placed on the stainless steel bolt and a sublayer of tin placed over the nickel."

While JP '610 shows a battery part comprising a lead member, a stainless steel bolt having a male thread on one end and a layer of nickel formed on the bolt he does not show a layer of adhearable material comprising a sublayer of nickel placed on the stainless steel bolt and a sublayer of tin placed over the nickel. (Emphasis added.) As such, it is submitted that amended claim 1 is not anticipated by JP '610 and that amended claim 1 has overcome the 35 U.S.C. §102(b) rejection since allowable claim 2 has been combined therewith.

Regarding dependent claim 4, the Office submits that JP '610 shows a battery part comprising a battery terminal with the bolt in mechanical engagement with the battery terminal. Since claim 4 is dependent upon independent claim 1 and amended independent claim 1 has overcome the 35 U.S.C. §102(b) rejection, it is submitted that claim 4 has overcome the 35 U.S.C. §102(b) rejection.

The Office also rejected independent claim 5 citing JP '610 discloses a battery part comprising a lead member, a fastener at least partially embedded in the lead member and a layer of nickel formed on the bolt (abstract and Fig. 1). The Applicant amended claim 5 by combining it with dependent claim 7, which Examiner Cantelmo stated was allowable. Amended claim 5 now reads:

> "A battery part comprising:
> a lead member;
> a fastener at least partially embedded in the lead member; and
> a layer of an electrical conducting material interposed between the fastener and the lead member with the electrically conducting material bonded to the fastener and to the lead member to provide ~~enhanced~~ torque resistance wherein said layer of an electrically conducting material includes at least two sublayers."

It is submitted that amended claim 5 is not anticipated by JP '610 since JP '610 does not show two sublayers of electrically conducting material. It is further submitted that since amended independent claim 5 is in condition for allowance, it follows that dependent claim 6 is in condition for allowance.

Applicant notes that dependent claims 8-11 were amended to call for dependence upon independent claim 5 rather than claim 7, which was canceled.

Finally, the Office rejected independent claim 15 and dependent claims 16-18 and 20 as being anticipated by JP '610. The Office supports this rejection on page 4, lines 13-16, stating:

> "JP '610 discloses a method of forming a battery terminal comprising placing a nickel coating on the exterior portion of bolt fastener 3 and embedding the fastener in a lead terminal by flowing molten lead around the fastener (abstract as applied to claim 15)."

The Applicant amended independent claim 15 by combining it with dependent claim 19, which Examiner Cantelmo had stated was allowable. That is, independent claim 15 now reads:

> "A method of forming a battery terminal comprising:
> placing a coating of a lead adhereable electrically conducting material on an exterior surface of at least a portion of a fastener wherein said coating of a lead adhereable electrically conducting material comprises placing a layer of nickel on the fastener and placing a layer of tin over the nickel; and
> embedding the fastener in a lead terminal by flowing molten lead around the fastener with the lead adhereable conducting material to secure the fastener to the lead and thereby enhance a torque resistance of the fastener."

JP '610 shows a method of forming a battery terminal, however he does not show the method of placing a layer of nickel on a fastener and placing a layer of tin over the nickel, which amended claim15 now specifically calls out. It is therefore submitted that amended claim 15 is not anticipated by JP '610 and that amended claim 15 has overcome the 35 U.S.C. §102(b) rejection. It is further submitted that dependent claims 16-18 and 20, dependent upon claim 15, have also overcome the rejection.

Rejection under 35 U.S.C. §103(a)

The Office rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over JP '610. Specifically, the Office asserts on page 5, lines 17-26:

> "The difference between claim 3 and JP '610 is that JP '610 does not teach of the thickness of the nickel plate. The selection of the thickness of the plate is a result effective variable. A sufficient minimum thickness is required to sufficiently bond the bolt to the lead to secure the two elements together via the intermediate nickel layer. Any thickness which achieves this result thus is readily apparent to one of ordinary skill in the art. Further it would be cost-effective to achieve this by using a minimal amount of nickel plating on the bolt. Thus a thickness of less than 0.0003 inches would have been an obvious thickness that provided both the requisite plating of nickel on the steel bolt at an economical minimal thickness."

Claim 3 is dependent upon independent claim 1. It is submitted that the 35 U.S.C. §103(a) rejection is now moot since claim 3 is now based on amended claim 1, which has been amended per the suggestion of Examiner Cantelmo to include allowable claim 2. It is further submitted that dependent claim 3 is in condition for allowance.

Finally, it is noted that the Applicant corrected a typographical error in claim 11. Specifically, "batter" was amended to "battery".

In view of the above, it is submitted that claims 1, 3-6, 8-18 and 20 are allowable and a notice of allowance, as amended, is respectfully requested. Applicant has enclosed a marked up version of the amendment with this response.

Respectfully submitted,

JACOBSON AND JOHNSON

By Carl J. Johnson

Carl L. Johnson, Reg. No. 24,273
Attorneys for Applicant
Jacobson and Johnson
Suite 285
One West Water Street
St. Paul, Minnesota 55107-2080

Telephone: 651- 222-3775

Clj/tj